

### REMARKS

Applicants respectfully request consideration of the subject application. This Response is submitted in response to the Office Action mailed February 22, 2008, claims 1-17 and 19-27 are pending. Claims 1-17 and 19-27 are rejected. In this Amendment, claims 1, 17, 21, and 25-27 have been amended and no claims have been cancelled. No new matter has been added.

### 35 U.S.C. §103 Rejections

The Examiner has rejected claims 1-10, 12, 17-27 under 35 U.S.C. § 103(a) as being unpatentable over Stranberg, (U. S Patent No.: 6,330,243, hereinafter “Stranberg”), claims 11, and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Stranberg in view of Patterson (U. S Patent Publication No.: 2003/0028608, hereinafter “Patterson”), and claims 6, 10, 11, 13-16 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Stranberg in view of Patterson and/or Patterson in view of Stranberg.

Stranberg does not teach a plurality of associated selectable options that have an associated information delivery process as required by the claimed invention. Nor does Strandberg teach receiving an indication of a **user**-selection of one of the selectable options as required by the claimed invention. Rather,

Strandberg teaches **only** an electronic chat session as an information delivery process, and in fact, teaches away from other delivery processes.

Strandberg teaches a system and method for providing an **electronic chat session** between an inquiring party (i.e., user) and a call center agent via an information provider. (See, e.g., Abstract and Field of the Invention). Strandberg clearly and repeatedly refers to the creation of only a chat session between the user and agent throughout the specification. In fact, the point of the system in Strandberg is to create an **automatic and immediate** electronic chat session **in order to avoid providing information later at a less convenient time**. For example, Strandberg points out the absence of such a system in the background section:

*At the moment, however, there are no automated systems which allow an individual to request and establish a real-time electronic chat session with an agent via the individual's data terminal in a call center managed method.* (Col. 1, lines 60-64).

Strandberg teaches away from systems and methods using other delivery processes because they are made **later** at a less convenient time and they cannot provide assistance **at the time** requested by the user. (See, e.g., col. 2, lines 6-13). Thus, Strandberg teaches away from delivery processes such as fax, telephone, mail, etc.

Further support that Strandberg teaches only an electronic chat session as a delivery process is the fact that Strandberg emphasizes the specifically structured

communication path established for the chat session. The communication path consists of a link between the user and information provider and another link between the information provider and the agent. (See, e.g., col. 2, line 64 to col. 3, line 1). Thus, all communication between user and agent are via this communication path created by these two links. While each link may be a different "type" of data path (e.g., a modem used on a telephone line, or Ethernet on a local area network), the communication path created remains the same. Strandberg emphasizes the importance of this established communication path and teaches away from systems and methods that use delivery process that need to establish a **different** data flow path. (See, e.g., col. 3, lines 1-6, where in the Summary of the Invention, Strandberg recites, "Therefore, the system utilizes the original data flow path established by the inquiring party...without the need to establish another data flow path."). Therefore, Strandberg specifically teaches away from any delivery process such as, for example, mail, telephone, email, fax, etc., because they would require a different communication path to be created. (See, e.g., col. 8, lines 8-15). Specifically, a new communication path would be created between the agent and the user, bypassing the information provider. Moreover, in further support that the system in Strandberg does not deviate from the established links, Strandberg teaches compressing and transmitting spoken responses as an audio file to the user instead of, for example, calling the user. (See, e.g, col. 6, line 65 to col. 7, line 5).

The importance of the points made above to the teachings of Strandberg become very evident when considering the two excerpts below, taken from the end of the Background section and from the Summary of the Invention section:

*Accordingly, what is needed is an apparatus and method for providing an automatic and immediate electronic chat session between an inquiring party and a call center agent at the request of the inquiring party across a computer network data path that is established between the inquiring party and an information provider, which is extended to the call center agent so that the agent and inquiring party can communicate via an electronic chat session without requiring the inquiring party to establish or participate in a second data exchange flow path. (Col. 2, lines 34-43)(underlining added).*

*Therefore, the system utilizes the original data flow path established by the inquiring party and allows for the exchange of data between the inquiring party and a call center agent at the time the inquiry for information is made and without the need to establish another data flow path. (Col. 3, lines 1-6)(underlining added).*

While Strandberg mentions data entry fields for entry of personal information (e.g., user's name, telephone number, address, account information, etc.), this information is not provided as a **user**-selection of one of a plurality of selectable options associated with an advertisement, each selectable option having an associated information delivery process. Rather, it is information to be used for the company's own record keeping and possibly even future sales and marketing. Strandberg recites:

*Finally, selected chat session information, such as an inquiring party is name, address, telephone number could be stored in a separate inquiring party database, step 800. The inquiring party database may be sorted by*

product or service information provider. This would allow information providers to have a record of those individuals who inquired further, via an electronic chat session, about their products or services, which would indicate that the individual is truly interested in a particular product or service. (Col. 8, lines 36-45)(underlining added).

Thus, the personal information is for the company's use and not a user-selected option. If a company chooses to send marketing materials, or even give such information to a third-party company, it is a choice of the company and not a user-selection. Many websites seek to acquire personal information for such purposes (irrespective of user's desires and most times knowledge) before allowing a user to access certain services on its website (for example, banking institutions, social networking sites, online email account sites, etc.). For instance, a user providing personal information such as a telephone number and/or address to open an online email account does not equate to the user selecting to have an agent call him and/or send marketing material to his home address. It is merely information for registration.

Patterson does not teach a plurality of associated selectable options that have an associated information delivery process as required by the claimed invention. Nor does Patterson teach receiving an indication of a user-selection of one of the selectable options as required by the claimed invention. Rather, Patterson teaches a single delivery process of email where the user enters an email address and information is then emailed to the email address.

In summary, Strandberg, nor Patterson, nor the combination of Strandberg in view of Patterson or Patterson in view of Strandberg, teach a plurality of associated selectable options that are have an associated information delivery process as required by the claimed invention, nor do any teach receiving an indication of a user-selection of one of the selectable options as required by the claimed invention. Independent claims 1, 17, 21, and 25-27 have been amended to further clarify this feature. Claims 2-16, 19-20, and 22-24 ultimately depend from one of independent claims 1, 17, or 21 and thus include all limitations of its respective independent claim.

Strandberg thus does not teach all the limitations of the claims 1-10, 12, and 17-27). Therefore Strandberg does not anticipate claims 1-10, 12, and 17-27 for at least the reasons above.

Strandberg in view of Patterson thus does not teach all the limitations of the claims 11, 13-16. Therefore, Strandberg in view of Patterson does not render claims 11, and 13-16 obvious for at least the reasons above.

Furthermore, Stranberg in view of Patterson and/or Patterson in view of Strandberg thus do not teach all the limitations of the claims 6, 10, 11, 13-16, 21-25. Therefore, Strandberg in view of Patterson nor Patterson in view of Strandberg renders claims 6, 10, 11, 13-16, 21-25 obvious for at least the reasons above.

Moreover, Strandberg and Patterson cannot be combined in the manner suggested by the Examiner because Strandberg and Patterson teach away from each other. As already discussed above, Strandberg teaches a system and method consisting of **only** an electronic chat session as an information delivery process, and in fact, teaches away from other delivery processes which are not in real-time or which require a different communication data path. Patterson, on the other hand, teaches a system consisting of **only** email as a delivery process, which is a delivery process which Strandberg teaches away from. Patterson would not be combined with Strandberg in the manner suggested by the Office Action. For example, the Office action states on page 6:

*A consumer filling out a particular selectable option with his personal contact information results in an indication to the third party of the consumer's desire for information and the requested delivery channel and would trigger the delivery of such information via the proper communication channel (email, telephone, FAX, postal mail, etc.).*

However, it has been shown above that a user providing personal information such as a telephone number and/or address to a website, for example, does not equate to the user selecting to have an agent call him and/or send marketing material to his home address. Therefore, Applicants respectfully submit that the combination of Strandberg in view of Patterson, or Patterson in view of Strandberg, in the manner suggested in the Office Action, is improper.

Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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